

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Paul J. Curry,)	Civil Action No. 4:15-3327-BHH
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
The Town of Atlantic Beach, a political subdivision of the State of South Carolina, and The Town of Atlantic Beach Police Dept.,)	
)	
Defendants.)	
)	

Plaintiff Paul J. Curry ("Plaintiff"), who is represented by counsel, brought this action pursuant to 42 U.S.C. § 1983, alleging violations of his First, Fourth and Fourteenth Amendment rights, false imprisonment, conversion, and abuse of process. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers for pre-trial handling and a Report and Recommendation ("Report").

This matter is before the Court on Defendant's Motion for Summary Judgment (ECF No. 37). On January 26, 2017, Magistrate Judge Rogers issued a Report recommending that Defendant's Motion for Summary Judgment be granted as to Plaintiff's federal claims, that the Court should decline to exercise supplemental jurisdiction over Plaintiff's remaining state law claims, and that this case be dismissed in its entirety. (ECF No. 65 at 25.) The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. (ECF No. 65-1.) The time for filing objections was set to expire on February 14, 2017. On that date, Plaintiff filed a Motion to Extend the objections deadline. (ECF No. 69.) The Court denied the Motion to Extend on February

15, 2017, due to Plaintiff's failure to demonstrate good cause under Federal Rule of Civil Procedure 6(b). (ECF No. 72.) Accordingly, no objections have been filed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report, the Court finds the Magistrate Judge's recommendation to be proper and to evince no clear error. Accordingly, the Court adopts the recommendation and incorporates the Report herein by specific reference. Defendant's Motion for Summary Judgment (ECF No. 37) is GRANTED as to Plaintiff's federal claims; the Court declines to exercise supplemental jurisdiction over Plaintiff's remaining state law claims; this case is dismissed in its entirety.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

February 15, 2017
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.